



Jay Vandenburg
Chairperson
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Zoning Board of Appeals
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Zoning Board of Appeals of the City of Troy, New York will conduct a REGULAR PUBLIC HEARING starting at **6:00 P.M.** on **July 1, 2014** in the 5th Floor Planning Department Hearing Room of The Hedley Building, to act upon the following requests for approvals and appeals from decisions made by the Bureau of Code Enforcement of said City of Troy.

Additional information regarding the above listed actions is available in the Department of Planning and Community Development located on the Fifth floor Troy City Hall, 433 River Street, Troy, New York 12180. Telephone: 279-7168. Office Hours are from 8:30 A.M. to 4:30 P.M. weekdays. Any persons having any interest in the above listed matters will be heard at said time and place.

ZB2014-015 Major Area Variance to allow for a parking deficiency and lot size related to a proposal to construct an additional 3 units on an existing single family home. Project location is 2152 12th Street, an R-3 Zone, ID 101.47-4-11. Applicant is Tony Trimarchi, 317 Tarquay Blvd, Albany, NY 12203.

ZB2014-017 Major Area Variance to allow for a lot coverage deficiency related to a proposal to construct a rear patio at 104 3rd Street (The Ruck) a B-4 Zone ID101.61-6-20. Applicant is Dave Gardell, 104 3rd Street, Troy, NY 12180

ZB2014-016 Use Variance to allow for the expansion of a nonconforming use related to a proposal to convert a 3 unit building into a 4 unit medium density building located at 541 3rd Ave, an R-1 Zone, ID80.55-6-10. Applicant is Simon Balint, 493 6th Ave, Troy NY 12182.

ZB2014-018 Use Variance to allow for 2 primary structures on a single parcel related to a proposal to convert a carriage house to an apartment at 30 South Lake Ave, an R-2 Zone, ID 101.35-2-16. Applicant is Ken Sherman, 30 South Lake Ave, Troy, NY 12180.

ZB2014-019 Minor Area Variance to allow for a setback deficiency related to a proposal to construct a swimming pool at 716 4th Ave, an R-2 Zone, ID 80-40-9-21. Applicant is Denee Zeigler, 716 Fourth Ave, Troy, NY 12182.

As required by Americans with Disabilities Act, auxiliary aids and services are available upon request. Please give one-week advance notice for services needed.

City of Troy Zoning Board of Appeals

Jay Vandenburg, Chairperson

Andrew Petersen, Executive Secretary

STAFF REPORT ZB2014-015

APPLICANT: Tony Trimarchi

PROJECT DESCRIPTION:

ZB2014-015 Major Area Variance to allow for a parking deficiency and lot size related to a proposal to construct an additional 3 units on an existing single family home. Project location is 2152 12th Street, an R-3 Zone, ID 101.47-4-11. Applicant is Tony Trimarchi, 317 Tarquay Blvd, Albany, NY 12203.

Per Section 285-91 of the Zoning Ordinance, each new residential unit requires 2 spaces off-street parking. Each existing unit requires 1.5 spaces off-street parking. The applicant proposes to add an additional 3 units each requiring 2 spaces (6spaces). The applicant currently has 3 units (4.5 spaces) totaling 10.5 spaces required. The applicant proposes to provide 8 spaces therefore is deficient 2.5 spaces. The applicant will need a Major Area Variance to allow for a parking deficiency of 2.5 spaces.

Per Section 285-54 of the Zoning Ordinance, each unit requires 2500SF per unit. The applicant proposes to construct 4 units on a parcel with 9100 sf therefore is deficient 900 SF. The applicant will require a Major Area Variance to allow for a lot size deficiency of 900 SF.

REQUEST:

Major Area Variance to allow for a parking deficiency

Major Area Variance to allow for a lot size deficiency

Major Area Variance

In order to have a project approved that requires that an Area Variance be granted by the Z.B.A. all applicants must prove "Practical Difficulty" as it applies to the project.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Based on the information provided by the applicant there are no other zoning deficiencies or violations.

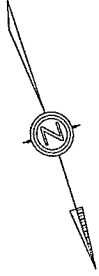
APPROVALS NEEDED:

Major Area Variance to allow for a parking deficiency of 2.5 spaces.
Major Area Variance to allow for a lot size deficiency of 900 SF

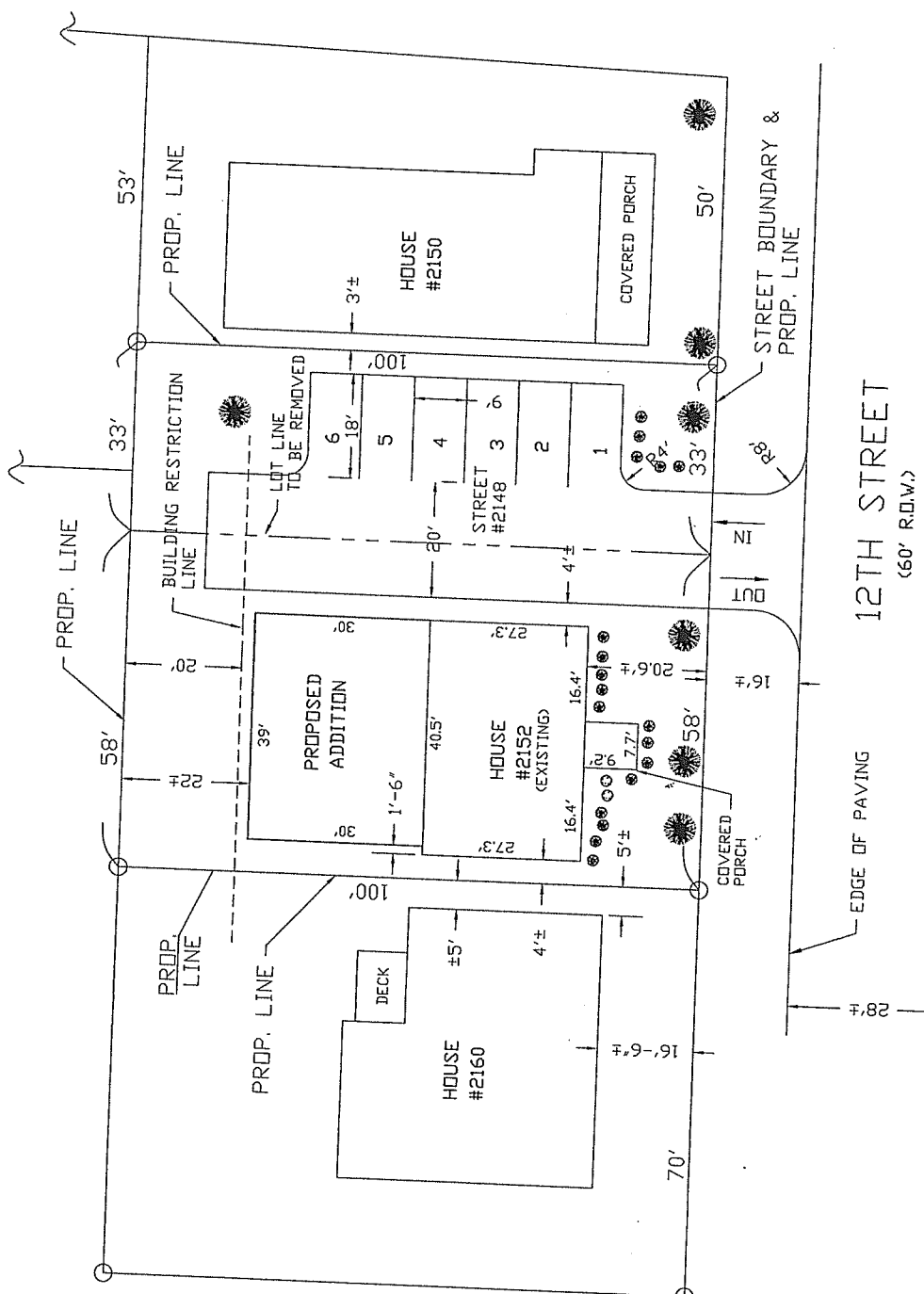
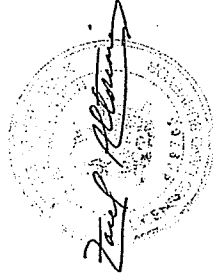
SEORA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.

NOTES:

- 1- TAX MAP NO. 101.47-4-11 AND 101.47-4-10
- 2- DEED: BOOK 4979, PAGE 123
- DEED: BOOK 6529, PAGE 144
- 3- TOTAL AREA: 9,100 S.F.



PEOPLES AVE.
(80' R.O.W.)



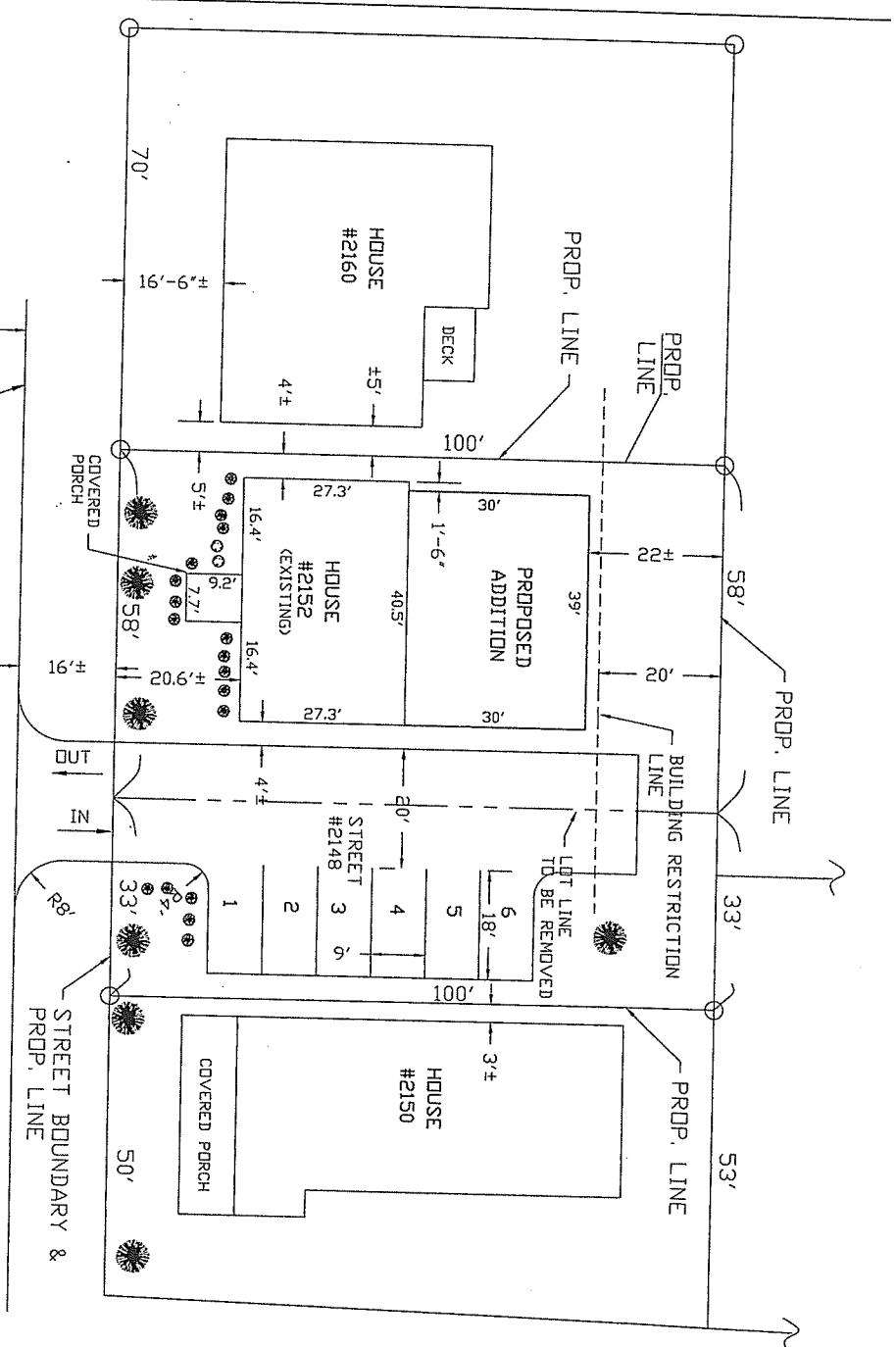
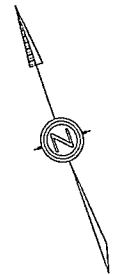
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12-18-12TH-STREET-SURVEY

| | | | |
|---|--|---------------------------|----------------------|
| LAND SURVEYOR ZAREH ALTONIAN 10 BURTON LANE LOUDDONVILLE, N.Y. 12211 | TITLE MADE FOR XAVIER LUNA | SITE PLAN | |
| DRAWN BY KEN REILLY | ADDRESS 2152 12TH STREET | CITY/TOWN/VILLAGE TROY | COUNTY RENSSELAER |
| SURVEY PARTY CHIEF ANTONIO TRIMARCHI | TELEPHONE & FAX NUMBER (518) 869-4687 | SCALE 1"=20'-0" | REV. 0 |
| REV. 1 | DATE 4-18-14 | DATE 3-4-14 | |

NOTES:

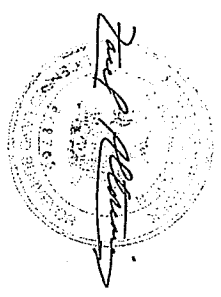
- 1- TAX MAP NO. 101.47-4-11 AND 101.47-4-10
- 2- DEED: BOOK 4979, PAGE 123
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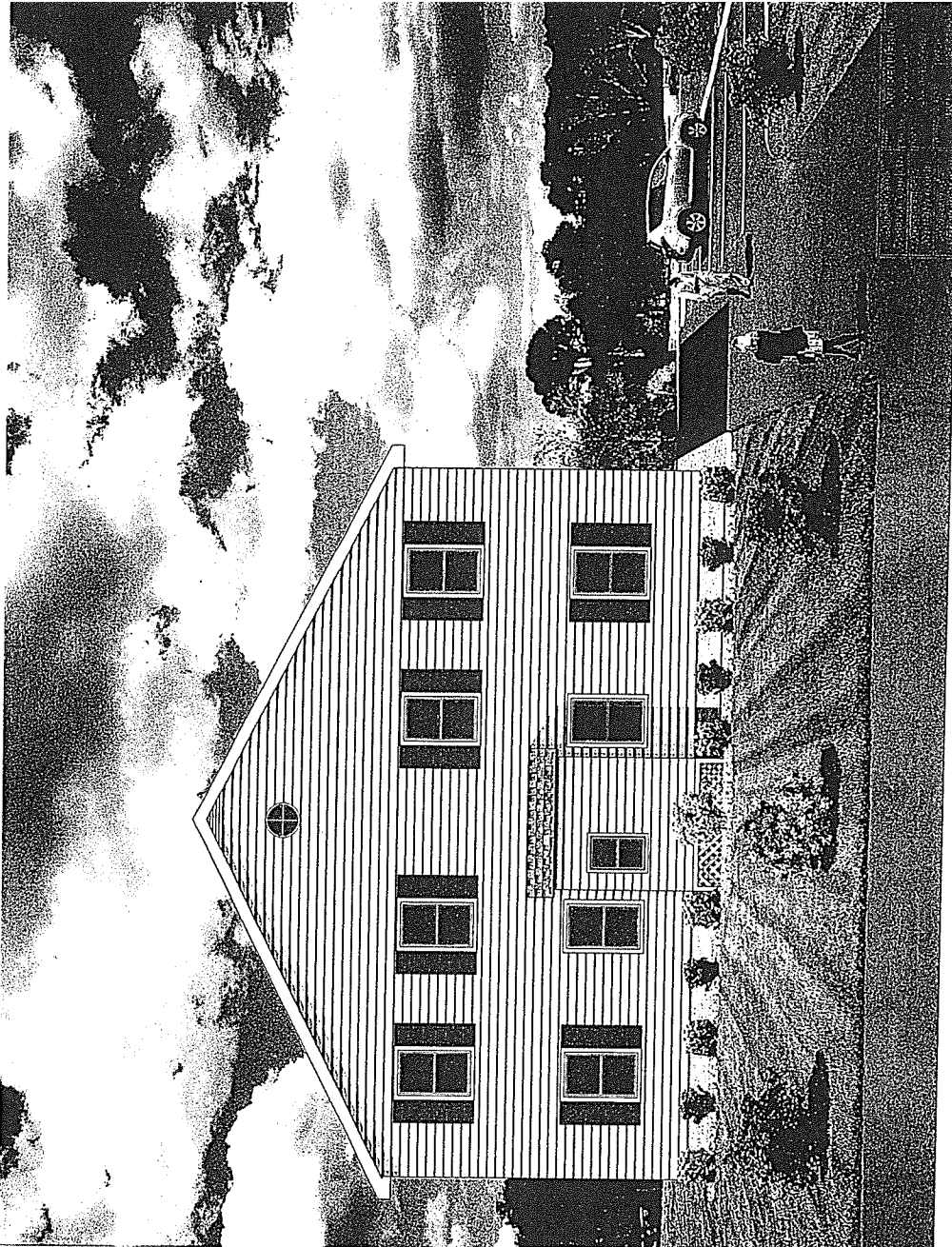
1248-12TH-STREET-SURVEY

| | | | | | |
|--------|---------|---|----------------------------------|---------------------------|----------------------|
| REV. 1 | 4-18-14 | LAND SURVEYOR ZAREH ALTOUNIAN 10 BURTON LANE LOUDBOROUGH, N.Y. 12211 DRAWN BY KEN REILLY | TITLE MADE FOR XAVIER LUNA | CITY/TOWN/VILLAGE TRDY | COUNTY RENSSELAER |
| | | SURVEY PARTY CHIEF ANTONIO TRIMARCHI TELEPHONE & FAX NUMBER (518) 869-4687 | ADDRESS 2152 12TH STREET | SCALE 1"=20'-0" | REV. 0 |
| | | | | | DATE 3-4-14 |



12TH STREET
(60' R.O.W.)

PEOPLES AVE.
(80' R.O.W.)



STAFF REPORT ZB2014-016

APPLICANT: Simon Balint

PROJECT DESCRIPTION:

Zb2014-016 Use Variance to allow for the expansion of a nonconforming use related to a proposal to convert a 3 unit building into a 4 unit medium density building located at 541 3rd Ave, an R-1 Zone, ID80.55-6-10. Applicant is Simon Balint, 493 6th Ave, Troy NY 12182.

Per Section 285-59 of the Zoning Ordinance, the “USE’ multi family is not allowed in the R-1 Zone. The applicant will require a USE VARIANCE to expand a nonconforming use in the R-1

REQUEST:

Use Variance to allow for the expansion of a nonconforming use

Use Variance

Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal hardship would occur in the absence of such use variance. The Z.B.A. shall not grant a use Variance unless the applicant provides conclusive evidence to prove:

1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and
4. That the plight of the owner is due to unique circumstances & not to the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

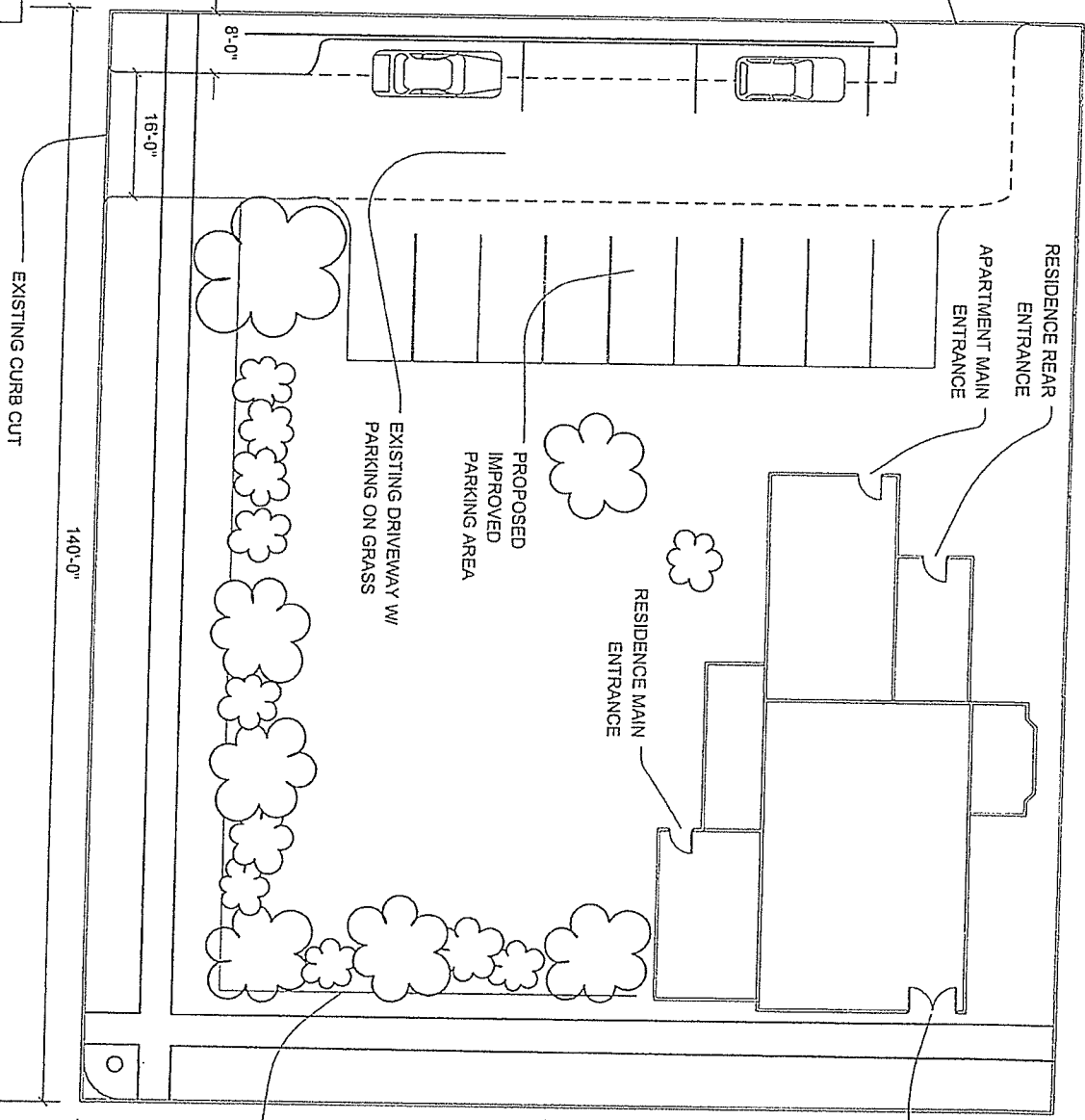
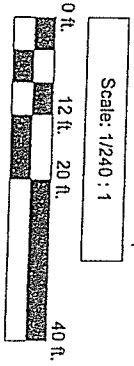
Use Variance to allow for the expansion of a nonconforming use in the R-1 Zone.

SEQRA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.



ALLEYWAY

EXISTING CURB CUT



EXISTING CURB CUT

114th Street

140'-0"

RESIDENCE MAIN ENTRANCE

RESIDENCE REAR ENTRANCE
APARTMENT MAIN ENTRANCE

PROPOSED IMPROVED PARKING AREA

EXISTING DRIVEWAY W/ PARKING ON GRASS

124'-0"

3rd Avenue

FORMER DENTAL OFFICE MAIN ENTRANCE

EXISTING WROUGHT IRON FENCE

561 3rd Avenue
Troy, NY 12182

STAFF REPORT ZB2014-017

APPLICANT: Dave Gardell

PROJECT DESCRIPTION:

ZB2014-017 Major Area Variance to allow for a lot coverage deficiency related to a proposal to construct a rear patio at 104 3rd Street (The Ruck) a B-4 Zone ID101.61-6-20. Applicant is Dave Gardell, 104 3rd Street, Troy, NY 12180

Per Section 285-61 of the Zoning Ordinance, The maximum lot coverage in the B-4 Zone is 80%. The applicant proposes to cover 100% of the lot with building and patio therefore is excessive 20%. The applicant will require a Major Area Variance to allow for excessive lot coverage.

REQUEST:

Major Area Variance to allow for excessive lot coverage

Major Area Variance

In order to have a project approved that requires that an Area Variance be granted by the Z.B.A. all applicants must prove "Practical Difficulty" as it applies to the project.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

Major Area Variance to allow for excessive lot coverage of 20%

SEQRA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected

to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.

GENERAL NOTES:

Property: 102-104 3rd Street
Troy, NY 12180

Applicant: Dave Gardell
324 Congress Street
Troy, NY 12180

Owner: Same as applicant

Tax Map #: 101.61-6-21 (102 3rd St.)
101.61-6-20 (104 3rd St.)

Zoned: B4- Central Commercial

Lot Characteristics:

Lot Dimensions (102): N-130', S-130', E-25.33', W-25.33'

Lot Dimensions (104): N-130', S-130', E-24.92', W-24.92'

Lot Area (102): 3,293 SF +/- (.07 Acres)

Lot Area (104): 3,240 SF +/- (.07 Acres)

| Setbacks: | Required for new | Existing #102 | Existing #104 |
|-----------|------------------|---------------|---------------|
| Front | 0' | 0' | 0' |
| Rear | 20'-0" | 53'-0" +/- | 18'-0" +/- |
| Sides | 0' | 0' | 0' |

| | | | |
|---|------|----------|----------|
| Min. Lot Area: | None | 3,293 SF | 3,240 SF |
| Min. Lot Width: | None | 25.33' | 24.92' |
| Min. Lot Depth: | 130' | 130'-0" | 130'-0" |
| Max. Lot Coverage % (with exterior loading dock) | 80% | 51% | 84% |

Use Variance required to increase lot coverage to 100%.

Building Type: 102 - 3-story brick w/ 3-story frame addition
104 - 3-story brick w/ 1-story masonry addition.

Current Property Use: 102 - Office and two family residence.
104 - Tavern

Proposal: Create outdoor patio for dining to serve the tavern at the rear of 104. Relocate garbage storage to 102. Install 6" high brick wall to enclose patio and garbage area. Maintain second means of egress from upper stories of 104 to Public Right of Way via 102.

Parking: N/A

Garbage Removal: Dumpster at rear of 102 with private pick-up.

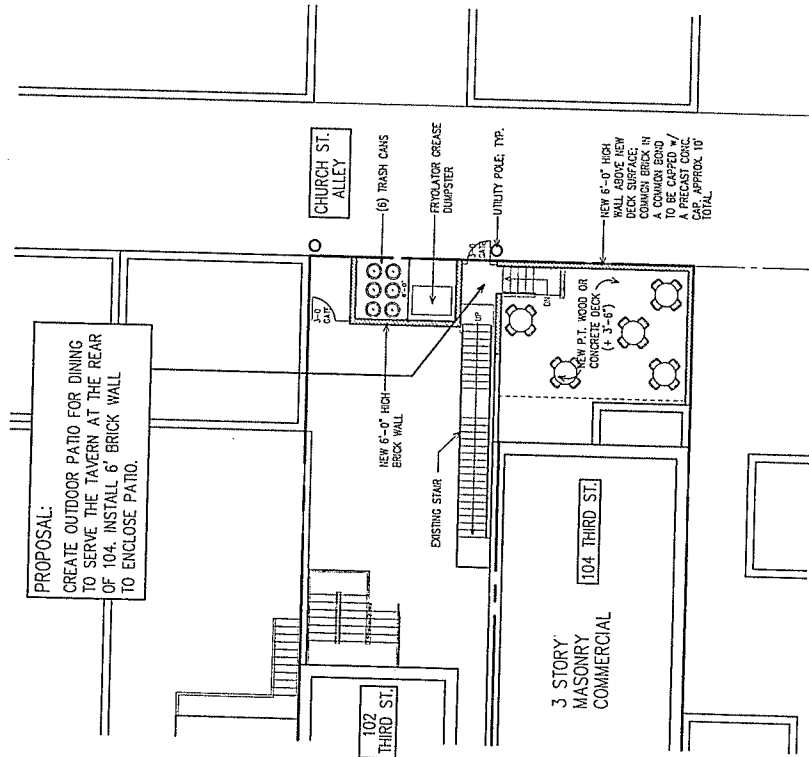
Surface Drains: Employ pervious pavement and use catch basin to retain water on site.

Signage: Existing signage to remain.

Lighting: Add "dark sky" building mounted light fixtures to light patio

Hours of Operation: Sun - Thurs till 10 PM
(Patio only)
Fri - Sat till 11 PM

This plan is based on information provided by the applicant, available Sonborn maps, Rensselaer County Tax Maps, and limited field measurements. A survey was not performed. These plans are not intended to provide information necessary to obtain a Building Permit.



DECK/PATIO PLAN

SCALE: 1/16" = 1'-0"

TITLE: DECK/PATIO PLAN and GENERAL NOTES
SCALE: AS NOTED

PROJECT: ZONING APPLICATION FOR 102-104 THIRD ST. TROY, NY 12180
CLIENT: DAVE GARDELL

DATE: 04/13/14
DRAWN BY: EC
REVISIONS:



TROY ARCHITECTURAL PROGRAM, PC
210 RIVER ST.
TROY, NY 12180
(518) 274-3050

SHEET:

SP2

JOB: 083.001.01

JOB: 0833.004.06

SPI

SHEET:

(518) 274-3050

TROY, NY 12180

210 RIVER ST.

PROGRAM, PC

TROY ARCHITECTURAL



DATE: 02/19/14
DRAWN BY: EC
REVISIONS:

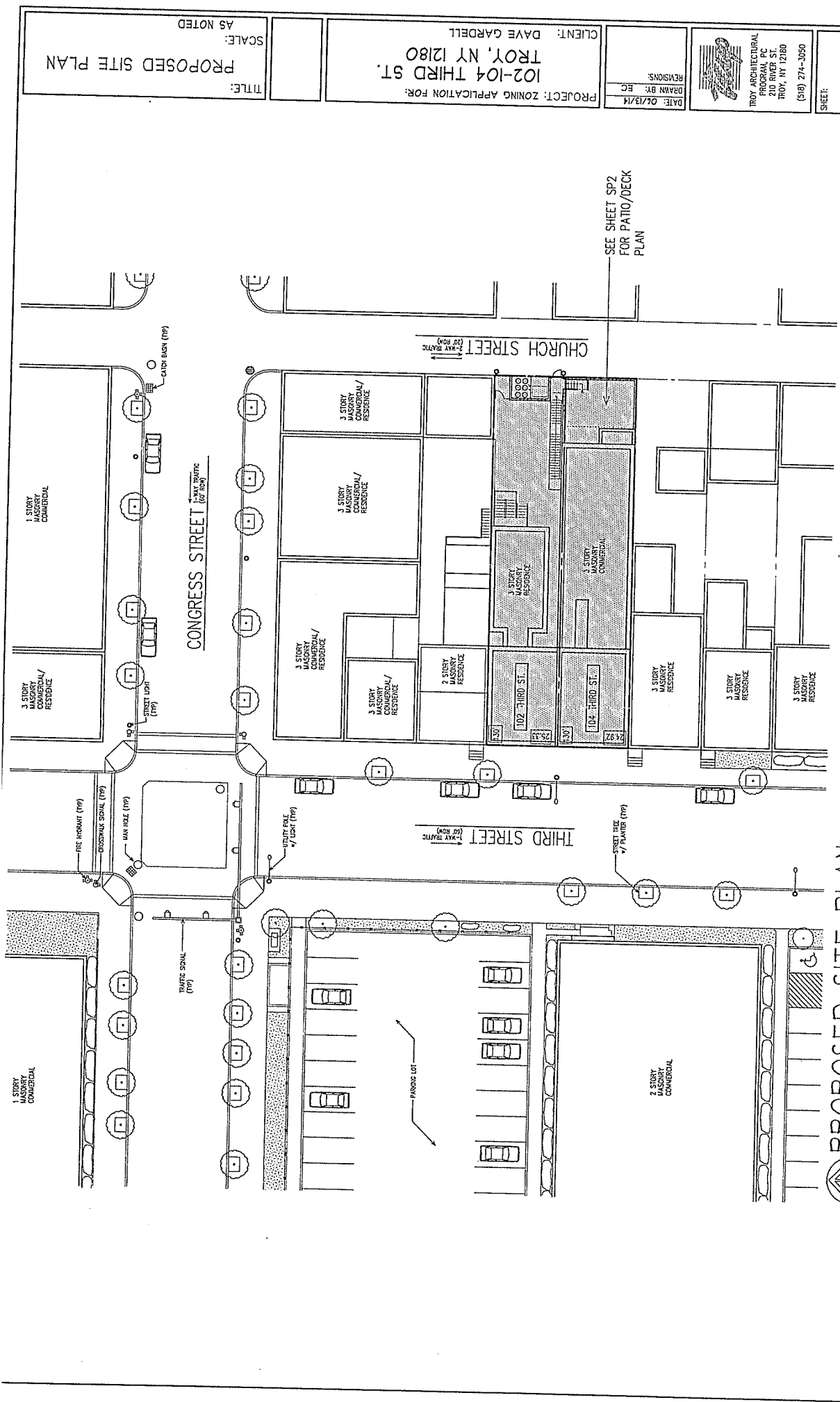
PROJECT: ZONING APPLICATION FOR:
102-104 THIRD ST.
TROY, NY 12180

CLIENT: DAVE GARDELL

TITLE:
PROPOSED SITE PLAN

SCALE:
AS NOTED

PROPOSED SITE PLAN
SCALE: 1" = 30'



SEE SHEET SP2
FOR PATIO/DECK
PLAN

CHURCH STREET
2-WAY TRAFFIC

CONGRESS STREET
1-WAY TRAFFIC
(TO THE EAST)

THIRD STREET
1-WAY TRAFFIC
(TO THE EAST)

PARKING LOT

2 STORY
MASONRY
COMMERCIAL

1 STORY
MASONRY
COMMERCIAL

1 STORY
MASONRY
COMMERCIAL

3 STORY
MASONRY
COMMERCIAL/
RESIDENCE

3 STORY
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STAFF REPORT ZB2014-018

APPLICANT: Ken Sherman

PROJECT DESCRIPTION:

ZB2014-018 Use Variance to allow for 2 primary structures on a single parcel related to a proposal to convert a carriage house to an apartment at 30 South Lake Ave, an R-2 Zone, ID 101.35-2-16. Applicant is Ken Sherman, 30 South Lake Ave, Troy, NY 12180.

Per Section 285-59 of the Zoning Ordinance, a single principle structure is allowed on a lot. The applicant proposes to convert an accessory structure into an apartment making it a principle structure therefore will require a USE VARAINCE to allow for 2 principle structures.

REQUEST:

Use Variance to allow for 2 principle structures on a single parcel in the R-2 Zone.

Use Variance

Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal hardship would occur in the absence of such use variance. The Z.B.A. shall not grant a use Variance unless the applicant provides conclusive evidence to prove:

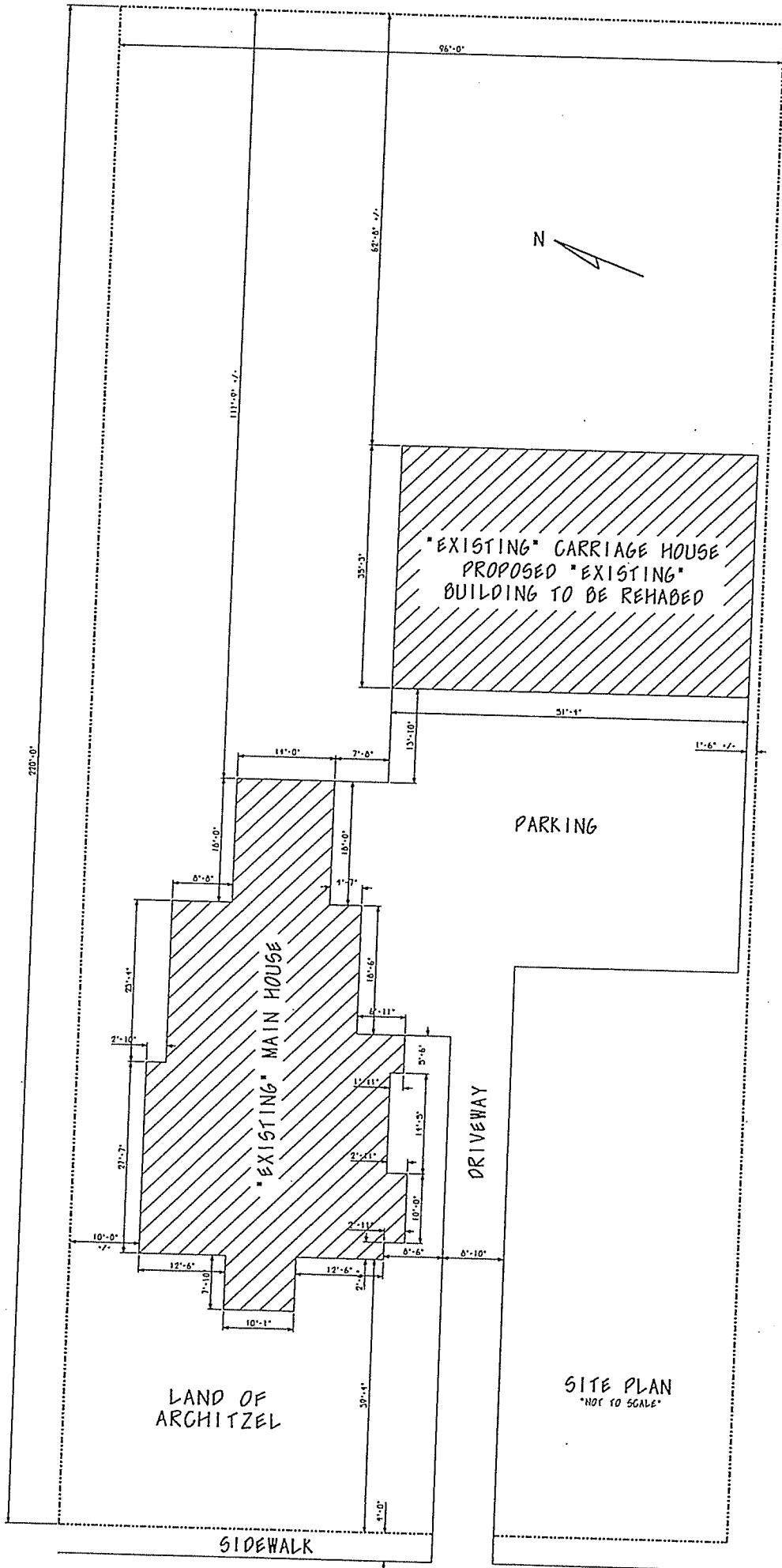
1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and
4. That the plight of the owner is due to unique circumstances & not to the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

Use Variance to allow for 2 principle structures on a single parcel in the R-2 Zone.

SEQRA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.



STAFF REPORT ZB2013-019

APPLICANT: Denee Ziegler

PROJECT DESCRIPTION:

ZB2014-019 Minor Area Variance to allow for a setback deficiency related to a proposal to construct a swimming pool at 716 4th Ave, an R-2 Zone, ID 80-40-9-21. Applicant is Denee Zeigler, 716 Fourth Ave, Troy, NY 12182.

Per Section 285.77 of the Zoning Ordinance, pools require a setback of 8 feet. The applicant proposes to construct a pool with a 3 foot side setback. The applicant will require a Minor Area Variance to allow for a setback deficiency of 5 feet.

REQUEST:

Minor Area Variance to allow for an accessory structure

Based on the information provided by the applicant there are no other zoning deficiencies or violations.

Minor Area Variance Requirements:

Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal hardship would occur in the absence of such use variance. The Z.B.A. shall not grant a use Variance unless the applicant provides conclusive evidence to prove:

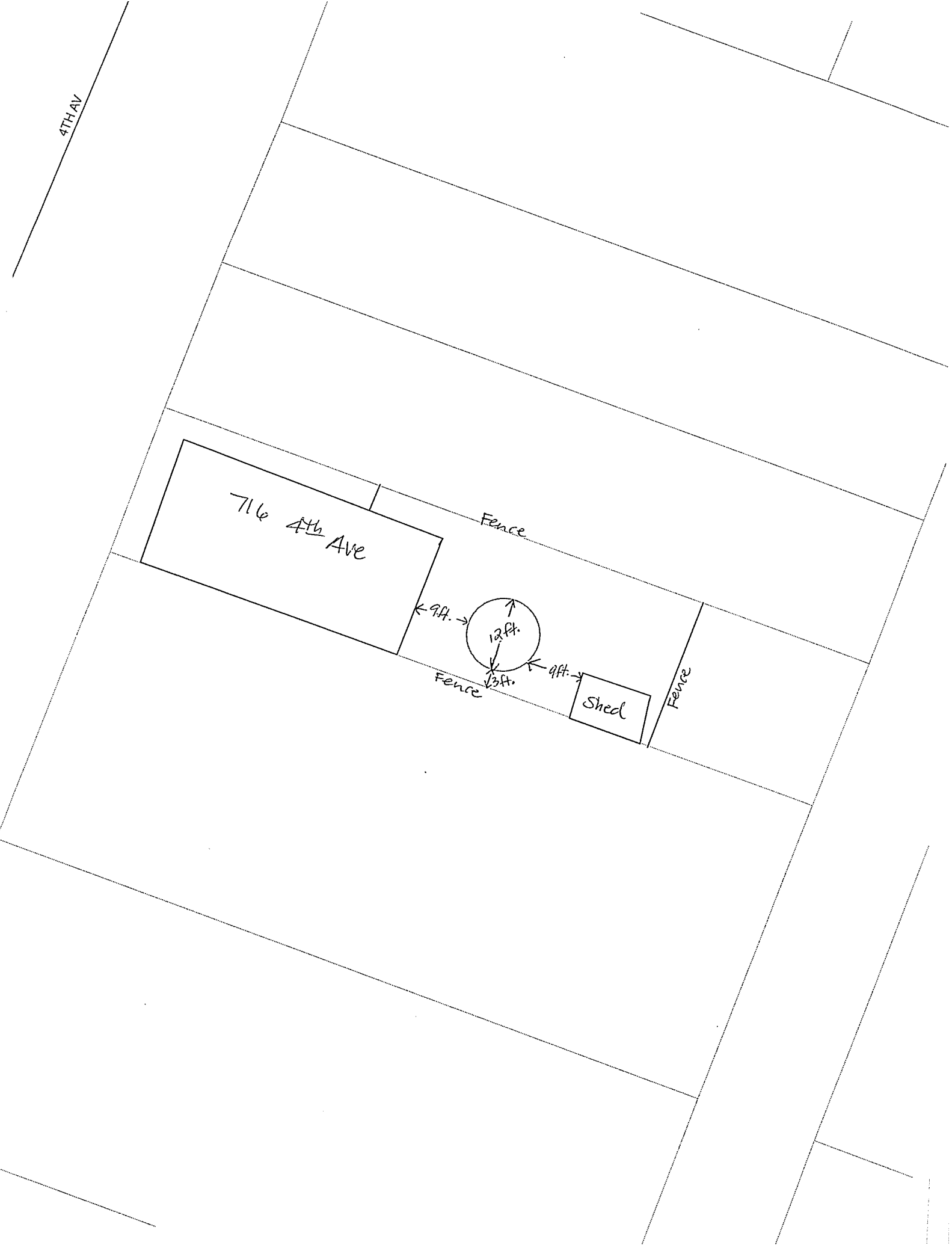
1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and
4. That the plight of the owner is due to unique circumstances & not to the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

APPROVALS NEEDED:

Minor Area Variance to allow for an accessory structure with a 5 foot setback deficiency.

SEORA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.

4TH AV



716 4th Ave

Fence

← 9ft. →

12ft.

← 9ft. →

13ft.

Shed

Fence